

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER**

GERALDINE STEPHENS and ARTHUR)	
STEPHENS,)	
)	
Plaintiffs,)	Case No.
)	
vs.)	JURY DEMANDED
)	
KROGER LIMITED PARTNERSHIP I,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Defendant, Kroger Limited Partnership I, without waiving any objections to jurisdiction, by and through counsel and pursuant to 28 U.S.C. §§ 1441, 1446, and 1332, as follows:

1. Kroger Limited Partnership I is a Defendant in action styled Geraldine Stephens and Arthur Stephens, case number 2020-CV-2472020-CV-232, which has been filed in the Circuit Court for Franklin County, Tennessee, and originally filed on December 18, 2020. Copies of the Summons and Complaint filed in said action are attached hereto and are made a part hereof by reference as collective Exhibit A and constitute all process, pleadings, and Orders served upon Kroger Limited Partnership I.
2. The Summons and Complaint were served upon Kroger Limited Partnership I on January 13, 2021.
3. Plaintiffs, Geraldine Stephens and Arthur Stephens, are citizens and residents of Franklin County, Tennessee.

4. Defendant Kroger Co., improperly named as a defendant in this suit, is a corporation organized and headquartered in Ohio, with its primary place of business in Ohio.

5. Defendant Kroger Limited Partnership I is a limited partnership organized and headquartered in Ohio, with its primary place of business in Ohio. Kroger Limited Partnership I is comprised of two partners. The Kroger Co. is the limited partner of Kroger Limited Partnership I, and is incorporated in Ohio with its principal place of business in Ohio. KRP, Inc. is the general partner of Kroger Limited Partnership I, and is incorporated in Ohio with its principal place of business in Ohio.

6. Plaintiffs' Complaint alleges damages and seeks recovery from Defendant for economic and non-economic damages as a result of alleged personal injuries to Plaintiff Geraldine Stephens as well as loss of consortium damages to Plaintiff Arthur Stephens. Plaintiffs' Complaint seeks damages in the amount of \$900,000.00.

7. Accordingly, the amount in controversy exceeds Seventy-five Thousand Dollars (\$75,000). Therefore, the United States District Courts have original subject matter jurisdiction under 28 U.S.C. § 1332.

8. Defendant Kroger Limited Partnership I hereby gives notice within thirty (30) days after service and receipt by it of the Complaint filed in the Circuit Court of Franklin County, Tennessee, pursuant to 28 U.S.C. § 1446 and Rule 11 of the *Federal Rules of Civil Procedure*, of the removal of the above-styled case to the United States District Court for the Eastern District of Tennessee, Winchester Division. Said notice of removal has been given to all attorneys involved in this lawsuit.

9. Defendant Kroger Limited Partnership I has also sent for filing a Notice of Removal to the Circuit Court of Franklin County, Tennessee. A copy of the Notice of Removal filed in the state court is attached as Exhibit B

WHEREFORE, please take notice that Defendant Kroger Limited Partnership I removes the state action styled *Geraldine Stephens and Arthur Stephens v. Kroger Limited Partnership I*, case number 2020-CV-247, from the Circuit Court of Franklin County, Tennessee, where it is now pending, to the United States District Court for the Eastern District of Tennessee.

This 21st day of January, 2021.

Respectfully submitted,

SPICER RUDSTROM PLLC

/s/ B. Thomas Hickey, Jr.
B. Thomas Hickey, Jr. BPR# 19105
Attorney for Defendant
537 Market Street, Suite 203
Chattanooga, TN 37402
(423) 756-0262 telephone
(423) 756-8489 facsimile
bth@spicerfirm.com

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing pleading has been sent via U.S. Mail, postage prepaid and properly addressed, to:

Robert Floyd Davis
Davis, Kessler & Davis
433 Cherokee Blvd.
Chattanooga, TN 37405

This 21st day of January, 2021.

/s/ B. Thomas Hickey, Jr.
B. Thomas Hickey, Jr.